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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

**THE NEW MEXICO OFF-HIGHWAY
VEHICLE ALLIANCE**, a New Mexico
nonprofit corporation,

Plaintiff,

v.

Civil Action No.

UNITED STATES FOREST SERVICE,
an agency of the United States Department
of Agriculture; **THOMAS TIDWELL**, in
his official capacity as Chief of the United
States Forest Service; **MARIA T.
GARCIA**, in her official capacity as Santa
Fe National Forest Supervisor; **JIM
UPCHURCH** and **SANDRA WATTS**, in
their official capacity as Southwestern
Region Deputy Regional Foresters;
**UNITED STATES DEPARTMENT OF
AGRICULTURE**, and **TOM VILSACK**,
in his official capacity as Secretary of the
United States Department of Agriculture,

Defendants.

STANDING DECLARATION ON BEHALF OF NMOHVA

EXHIBIT A

Upon being duly sworn, I, Mark R. Werkmeister, state upon oath the following:

1. My name is Mark R. Werkmeister.
2. I am over the age of 18 years and make this declaration based upon personal knowledge.
3. My address is 15 Camino de Verdad, Santa Fe, New Mexico 87508.
4. I am on the Board of Directors for the New Mexico Off-Highway Vehicle Association (“NMOHVA”). I have held a position on the NMOHVA Board since 2004.
5. The NMOHVA was formed in 2004 to represent motorized recreationists in New Mexico including 4WD enthusiasts, dirt bike riders and ROV/ATV users. We are a statewide nonprofit alliance of motorized off-highway vehicle enthusiasts and organizations. Our mission is promoting, protecting and preserving responsible OHV recreation through education, safety training and responsible land use ethics. We cooperate with public and private interests to protect and preserve public land access and work to ensure a positive future for OHV recreation in New Mexico. NMOHVA represents approximately 600 members.

6. NMOHVA has represented its members by fully participating in the land management planning public process, volunteering our members' services for route maintenance, public patrols, mapping and filing comments on numerous Forest Service land use plans and travel management plans.

7. On September 6, September 24 and September 29, 2010, NMOHVA filed comments on the Draft Santa Fe National Forest Travel Management Plan and Environmental Impact Statement. Those comments appear in the Administrative Record (AR) for this case at bates numbers AR017198-AR017223; AR017316-017320; AR017524-017681; AR017771-AR017959; AR018269-AR018286; AR018329-AR018374; AR018380-AR018419; AR021875-AR021883 and AR021958-AR022022.

8. Pursuant to 30 CFR Part 215, NMOHVA administratively appealed, on August 18 and 20, 2012, Santa Fe National Forest Supervisor Maria T. Garcia's Record of Decision Notice (ROD) for Travel Management on the Santa Fe National Forest, signed June 12, 2012. NMOHVA's appeal was filed as three separate appeal documents, totaling in length 368 pages.

9. Each administrative appeal recites, in part:

We have demonstrated our interest and commitment to the Santa Fe

National Forest by very actively participating and providing input and comments on the Travel Management project at every step.

Our interest in this Decision flows from our frequent use of the Santa Fe National Forest, our investment in the well-being of the Santa Fe National Forest expressed via volunteer work for the Forest Service and participation in the Travel Management project process, and our keen desire that the government, in this case the agency of the USDA Forest Service, make its land-use allocation decisions lawfully.

10. Mr. Gilbert Zepeda, Appeal Deciding Officer, Deputy Regional Forester, denied NMOHVA's appeal on October 2, 2012 and affirmed the ROD for Travel Management on the Santa Fe National Forest. The ROD is the final agency action.

11. During the course of the Travel Management project process, the Forest Service solicited information from NMOHVA and other members of the public regarding roads, trails, and "unauthorized" routes currently being used for motorized travel in the Santa Fe National Forest, and the Forest Service incorporated some of the roads, trails and "unauthorized" routes into the alternatives analyzed in the Final Environmental Impact Analysis (FEIS).

12. I and other members of the NMOHVA have frequently recreated in the Santa Fe National Forest by using our off-highway vehicles on the numerous roads that have always been open to the public for off-highway motorized use before the

ROD for Travel Management was issued. I submitted a “Citizen’s Proposal” for the New Mexico 4 Wheelers (NMOHVA members) that detailed many of the most important and historic 4 WD routes in frequent and continuous use (AR002800-AR002863). The ROD denied the use of many of these routes in part or in their entirety. For example, roads that we have used and would continue to use, but for the ROD, are:

The route presented as—Joaquin Canyon—Forest Roads 488, 537, and 537G;

The route presented as Smokey Rear Hill/Rito del Indio/Trail Canyon—Forest Roads 17L, 20AE, 201A, 530, 530B, 535F, 535G, and 539E;

The route presented as Stable/Ceboliita Mesa—Forest Road 656M;

The route presented as Holiday Mesa—Forest Road 656;

The route presented as Paliza Canyon—Forest Road 271;

The route presented as Hill and Dal—Forest Roads 652, 654, and 655A;

The route presented as Virgin Canyon—“unauthorized road”;

The route presented as Dechter Connector—Forest Roads 537 and 537G;

The route presented as the Old Peggy Mesa Road—Forest Roads 652 and 653;

The route presented as Osha Canyon—Forest Roads 653 and 653R;

The route presented as Schoolhouse Mesa—Forest Road 604; and

The route presented as Tank Trap—“unauthorized road”.

13. I and other members of the NMOHVA have frequently recreated in the Santa Fe National Forest by using our off-highway vehicles on the numerous trails that have always been open to the public for off-highway motorized use before the ROD for Travel Management was issued. For example, trails that I and other members of the NMOHVA have used and would continue to use, but for the ROD are the trails commonly known as Motown, North Pass and Airplane.

14. But for issuance of the ROD, I and other members of NMOHVA would continue to enjoy using or having the ability to use, now and into the immediate future, those trails and roads that have been withdrawn from us. I and other members of NMOHVA have plans to recreate by off-highway vehicle in the Santa Fe National Forest in not only this year, but in 2017 and in future years, also. But for issuance of the ROD, such plans would also have included recreating on numerous trails and roads that the ROD closed, including those described in detail above.

15. The issuance of the ROD has severely curtailed our, meaning myself and

other members of NMOHVA, recreational enjoyment of the Santa Fe National Forest, because we no longer have motorized access to many of the roads and trails that we had previously enjoyed using.

16. The ROD has deprived me and many members of NMOHVA of the ability to use of those certain roads and trails, by means of off-highway vehicles, that have now been closed by the Forest Service by reason of its ROD.

17. The ROD has significantly diminished our, meaning myself and other members of NMOHVA, recreational and aesthetic enjoyment of the natural resources offered by the Santa Fe National Forest, by reason of the ROD, which has withdrawn a significant number of roads and trails that we would otherwise have enjoyed traversing and have, in the past, traversed.

18. The Forest Service, in reaching its decision in its ROD, did not follow NEPA procedures and has thereby created actual, threatened or imminent environmental harm, which has injured our, mine and the other members of NMOHVA, interests arising out of our actual use of the Santa Fe National Forest. Requiring the Forest Service to comply with NEPA would redress our injuries.

19. On November 13, 2012, the NMOHVA Board of Directors voted to file litigation against the Forest Service's final decision related to the Santa Fe

National Forest Environmental Impact Statement (EIS) and Record of Decision for the Travel Management Plan.

20. The final EIS and ROD for the Santa Fe National Management Plan harms and adversely impacts our members by significantly reducing and unlawfully constraining our legitimate use of the Santa Fe National Forest and its roads and trails. Our members use the Santa Fe National Forest and its roads and trails for outdoor recreational use, motorized travel, sight-seeing, spiritual renewal and other uses.

21. Our members plan, now and in the immediate future, to continue to use the Santa Fe National Forest for such uses and assert that the final EIS and ROD we have challenged unlawfully constrains those uses, causing harm to our members.

22. As a NMOHVA member, I have frequently recreated on the Santa Fe National Forest roads and trails using my off-highway vehicle, and I plan to return to the Santa Fe National Forest roads and trails, including the routes described in detail above, to continue my use, now and in the immediate future.

23. Our injuries can be redressed by a favorable ruling of the court, which would hold unlawful and set aside, pursuant to 5 U.S.C. section 706, the ROD and FEIS that we are challenging in this action, thereby reinstating the previous travel

management policy throughout the Santa Fe National Forest.



MARK R. WERKMEISTER

Date: 9/15/16

SUBSCRIBED AND SWORN to
before me this 15 day of Sept, 2016


NOTARY PUBLIC

OFFICIAL SEAL
JOSEPH F. BISAGNA
NOTARY PUBLIC - STATE OF NEW MEXICO

My Commission Expires 8/26/2018